(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

Writ Petition No. 2746 /2004.

PETITIONERS : 1. Durga Prathamic Upbhokta Bhandar, Sahakari Sanstha Maryadit through its President Shri Vishwanath Sao, aged about 34 years, R/o Santoshi Para Camp-2 Bhilai Distt. Durg (C.G.).

2. Shri Ram Prathamik Upbhokta Bhandar Maryadit, through its President Smt. Rekha Devi, W/o Raghunandan Sao, aged about 29 years, R/o Kailash Nagar, Ekta Chowk Housing Board, Bhilai, Distt. Durg (C.G.).

P.R. No. 2755/04
Presented by Shri U.S. Dubey
dated 19-8-04

RECEIVED-COPY
19-8-04
Clerk to A.G. Bilaspur

Versus

RESPONDENTS : State of Chhattisgarh through :-

1. Principal Secretary, Office of the Chief Minister, State of Chhattisgarh, D.K.S.Bhawan, Raipur (C.G.).
2. State of Chhattisgarh Through : The Secretary, Department of Civil Supplies, Mantralaya, D.K.S.Bhawan, Raipur (CG)
3. Controller of Food Distt. Durg (Chhattisgarh).
4. Collector (Food) Distt. Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

....contd...

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2746/ **सन्** **2004**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10-3-2005

Mr. Uttam Pandey, counsel for the petitioners.

Mr. P.S. Koshy, Deputy Advocate General for the State/respondents.

Heard both the counsel.

The petitioners have preferred this writ petition under Article 226/227 of the Constitution of India, for allotment of fair price shops to them on the ground that as both the petitioners are registered co-operative societies under the Chhattisgarh Co-operative Societies Act, 1960, and prayed that a writ of mandamus be issued to the effect that they should be allotted at least one shop to each petitioners in the ends of justice.

At the outset, learned counsel for the petitioners submitted that after filing of this writ petition, the situation has changed and the Government of Chhattisgarh vide its order dated 23rd December, 2004, has taken a decision that the fair price shops shall be allotted to those co-operative societies which have been registered on or before 1st November, 2000. He further submits that in view of the above notification, which has been Gazetted, the petitioners have become entitled for the fair price shops and the earlier Government communication Annexures P-20 and P-21 have become redundant. Learned counsel also submitted that in the light of this Government decision, the respondents may be directed to consider the case of the petitioners and if the petitioners are found suitable and entitled for the allotment of fair price shops, then they may be allotted the shops.

The request made by learned counsel for the petitioners appears to be fair and reasonable to which learned Deputy Advocate General has no objection.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the respondents are directed to

(पीछे देखिये)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(59)

आदेश पत्रक

मामला क्रमांक W.P.2746/ **सन्** 2004

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

consider the case of the petitioners' Societies in the light of the amended provisions and the Government decision mentioned above, and if they are found eligible in accordance with law, then they may be allotted the fair price shops. However, in view of the Government's decision, if the petitioners are required to make an application in accordance with the decision, then they should make an application before the appropriate competent authority and the appropriate competent authority shall consider the case of the petitioner's in accordance with the Government's decision.

With the directions aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

(पीछे देखिये)